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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,672	09/08/2000	Takekazu Kumagai	B588-012	3660
26272	7590	08/30/2004	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C			PATEL, JAGDISH	
JOHN J TORRENTE			ART UNIT	PAPER NUMBER
1133 AVE OF THE AMERICAS			3624	
1133 AVE OF THE AMERICAS				
NEW YORK, NY 10017				

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/658,672	KUMAGAI, TAKEKAZU <i>[Signature]</i>	
	Examiner	Art Unit	
	JAGDISH N PATEL	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 September 2000.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) 9,13 and 14 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8 and 10-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 9/9/1999. It is noted, however, that applicant has not filed a certified copy of the 11-255345 application as required by 35 U.S.C. 119(b).

Election/Restrictions

2. Applicant's election without traverse of group I claims i.e. the invention claims 1-8 and 10-12 in the reply filed on May 20, 2004 is acknowledged.

Claim Rejections- 35 U.S.C. 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 and 10-12 are rejected under 35 U.S.C. 102(e) as being **anticipated** by **Dedrick (US Pat. 6,016,509) (Dedrick)**.

Claim 1. Dedrick teaches a system including an apparatus which can be connected to a network and having accumulation

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means for accumulating data, (Fig.1, Network System, containing a metering server 14 connected to a LAN) comprising:

accumulation area setting means for setting said accumulation means as a plurality of accumulation areas;

(see col. 3 L 35+ description of the metering server and col. 7 L 20+.. The content may be initially transferred from the publisher/advertiser 18 to the clearinghouse server 20, which retransmits the content to regional 21 and metering 14 servers.)

identification information setting means for setting identification information in each accumulation area set by said accumulation area setting means;

storage means for storing data in the accumulation area on the basis of the identification information set by said identification information setting means;

(see col. 7 L 20+.. The publisher may periodically update the contents of the database. The content received by the metering server 14 from the publisher may include content titles that summarily describe the contents and are stored in the index databases 35 of the metering servers 14. The metering server 14 transmits the titles and possibly a portion of the content to the client computers 12. If the end user wants to consume the electronic information, the user generates a request for the electronic information, typically by providing an input to the GUI of the client computer 12. The metering server 14 receives the request and sends the information in accordance with the metering methodology of the system.)

management means for managing charge information about the data stored by said storage means; and

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calculation means for calculating a charge amount for each identification information on the basis of the charge information.

(see col. 7 L 34+ When an end user requests electronic information, the metering server 14 calculates the price of consuming the electronic information from the cost type and the cost value associated with the information. ...)

Claim 2. The system according to claim 1, wherein the charge information managed by said management means includes information for charging for input, storage, and output of the data.

(see col. 3 50+ Each metering server 14 also contains a metering process 36, a billing process 37 and a session manager 38. The metering and billing processes 36 and 37 access and process information in response to instructions from the session manager 38. For example, when an end user requests a unit of information, the request is received by the session manager 38. The session manager 38 instructs the metering process 36 to retrieve the requested unit of information.)

Claim 3. wherein the accumulation area can be used by a plurality of users.

(see Fig. 1 the content of the metering server can be used by client computers 12 and publisher/advertiser 18, see also Fig. 5)

Claim 4. password setting means for setting a password for processing data stored in each accumulation area for each accumulation area.

(col. 3 L 17-21 Each client computer 12 is provided with a graphic user interface (GUI) that allows the end user to participate in the system 10. The GUI will contain fields that receive or correspond to inputs entered by the end user. The fields may include the user's name and possibly a password. Note

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that the client password is set in conjunction with the access for the accumulation area (content database) of the metering server 14)

Claim 5. An apparatus which can be connected to a network, comprising:

accumulation means for accumulating data;

(see content database 34 of metering server as described in claim 1)

accumulation area setting means for setting said accumulation means as a plurality of accumulation areas;

(refer to claim 1 analysis)

identification information setting means for setting identification information for each accumulation area set by said accumulation area setting means;

(refer to claim 1 analysis)

storage means for storing data in the accumulation area on the basis of the identification information set by said identification information setting means;

(refer to claim 1 analysis)

and

creation means for creating information for charging in each of the accumulation areas.

(col. 2 L 64- col. 2 L 7)

Claim 6. management means for managing charge information about the data stored by said storage means;

(refer to claim 1 analysis) and

calculation means for calculating a charge amount for the data for each identification information, set by said identification information setting means, on the basis of the

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charge information managed by said management means and the information created by said creation means.

(refer to claim 1 analysis)

Claim 7. The apparatus according to claim 5, wherein the accumulation area can be used by a plurality of users.

(refer to claim 3 analysis)

Claim 8. The apparatus according to claim 5, further comprising password setting means for setting a password for processing data stored in each accumulation area for each accumulation area.

(refer to claim 4 analysis)

Claim 10. All functional steps of method claim 10 are analyzed in accordance with corresponding system claim 1.

Claim 11. All functional steps of claim 11 are analyzed in accordance with corresponding system claim 1.

Claim 12. All elements of the storage medium recited in claim 12 corresponding to system claim 1 and further apparatus claim 5.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703) 308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be

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reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jagdish N. Patel

(Primary Examiner, AU 3624)

8/23/04